

**IN THE UNITED STATES DISTRICT COURT
FOR THE NORTHERN DISTRICT OF ILLINOIS
EASTERN DIVISION**

DR. EARL JANN AND CAROL ISACSON)	
)	
Plaintiffs,)	
)	
v.)	No. 07-CV-6595
)	
MATTHEW D. SAMPLE, J. DAVID)	Honorable Judge Ronald A. Guzman
CROSS, and SAMPLE & CROSS CAPITAL)	
MANAGEMENT, LLC,)	Magistrate Judge Nan R. Nolan
)	
Defendants.)	

**PLAINTIFFS' MOTION FOR ENLARGEMENT OF
TIME TO COMPLETE FACT DISCOVERY**

Plaintiffs, Dr. Earl Jann and Carol Isacson, by and through their attorneys, Katten & Temple LLP, hereby submit the following Motion for Enlargement of Time of Twenty-Eight Days to Complete Fact Discovery, and in support thereof, state as follows:

1. This Court set a deadline of July 27, 2008 for the parties to complete fact discovery.
2. The parties have substantially completed fact discovery.
3. The parties have answered original and supplemental written discovery, and completed party depositions.
4. The plaintiffs served subpoenas on third parties including Pershing Advisor Solutions ("Pershing"), Fimat USA, LLC ("Fimat"), and the Vega Fund's accountant Michael J. Liccar & Company. Pershing served as the broker-dealer for Sample & Cross Capital Management. Fimat cleared trades for the Vega Fund.
5. While Pershing has produced certain documents, plaintiffs' counsel has been in contact with Pershing to resolve numerous issues regarding the production.

6. Although the return date for the Fimat subpoena was July 2, 2008, Fimat has not yet responded and plaintiffs' counsel has been attempting to determine the basis for Fimat's failure to respond.

7. Plaintiffs seek an enlargement of time to complete the previously issued discovery.

8. This motion is brought in the interests of justice and not for any improper purpose. This is the plaintiffs' first request for an enlargement of time to complete discovery.

9. Defendants will not suffer any prejudice if the Court grants this motion. The defendants have indicated that they do not oppose this motion and they also have outstanding subpoenas.

10. Plaintiffs respectfully request that the expert discovery schedule be extended in proportion with the increase sought for fact discovery.

Wherefore, Earl Jann and Carol Isacson respectfully request that this Honorable grant them an additional twenty-eight days to complete fact discovery and that the dates previously set for expert discovery also be extended by twenty-eight days.

Respectfully submitted,

EARL JANN and CAROL ISACSON,

/s/ Mitchell B. Katten
One of their Attorneys

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